

Morgan Lewis

Michael F. Fleming

Associate

+1.212.309.6207

michael.fleming@morganlewis.com

July 31, 2025

VIA ECF

Hon. Robert W. Lehrburger, USMJ
United States District Court for the Southern District of New York
500 Pearl St., Courtroom 1960
New York, NY 10007-1312

Re: Lee v. Delta Air Lines, Inc., Case No. 1:22-cv-08618-DEH-RWL

Your Honor:

We write to briefly respond to Plaintiff's Sur-Reply ("Plaintiff's Sur-Reply"; Dkt 155) to Defendant Delta Air Lines, Inc.'s ("Delta's") opposition to Plaintiff's submission of July 21, 2025 (Dkt. 154). Delta first notes that Sur-Reply's are not permitted under the Court's Individual Practices in Civil Cases. Second, to the extent Plaintiff's Sur-Reply purports to be a motion in limine, such a motion is improper, would represent yet another example of Plaintiff's disregard of Your Honor's Individual Rules and the Federal Rules of Civil Procedure, and is plainly baseless.¹ To the extent the Court is willing to entertain such a motion, Delta respectfully requests that a briefing schedule be set and that the Motion for Summary Judgment for which Delta has notified

¹ Plaintiff has not established any basis for the relief she seeks in her Sur-Reply and misrepresents her deposition testimony regarding the newly disclosed Dr. Robbins and Antonella. Indeed, contemporaneously with her filing of the Sur-Reply, Plaintiff has submitted an Errata sheet to the court reporting service seeking to substantively modify her deposition testimony to identify both doctors for the first time besides her July 20, 2025 email to Delta to following the close of discovery, *see* Dkt. 154-3. For example, Plaintiff seeks to modify her original deposition testimony:

5	Q. Have you ever received treatment
6	from a medical provider for the alleged
7	emotional distress?
8	A. Yes, I have. Dr. Shah and Dr.
9	Michaels, you have my medical records from them.
10	Q. Any other doctors?
11	A. No.

To the following:

8	Page No. <u>28</u> Line No. <u>11</u>
9	Change: <u>yes, Dr. Robbins</u>

A copy of the cited excerpt of Plaintiff's deposition testimony is attached as Exhibit A. A copy of the cited excerpt of Plaintiff's errata sheet is attached as Ex. B.

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the Court it will seek, and which is currently due August 18, 2025, be held in abeyance while such motion in limine is pending.

* * *

Delta thanks the Court in advance for its consideration of Delta's submissions.

Respectfully submitted,

/s/ Michael F. Fleming

Michael F. Fleming

C: Plaintiff (via ECF; email)